

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROOT, INC., et al.,

Plaintiffs,

vs.

BRINSON CALEB SILVER, et al.,

Defendants.

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**Case No. 2:23-cv-512
Judge Sarah D. Morrison
Magistrate Judge Elizabeth A.
Preston Deavers**

**RECEIVER’S THIRD INTERIM REPORT, RECEIVERSHIP PLAN
AND APPLICATION FOR FEES AND EXPENSES OF RECEIVER AND
COUNSEL TO RECEIVER COVERING THE PERIOD
AUGUST 1, 2023 THROUGH AUGUST 31, 2023**

In accordance with the requirements of this Court’s *Order*, filed May 12, 2023 [Doc. # 99], *Order Appointing Receiver*, filed May 17, 2023 [Doc. # 101], and *Order Amending Order Appointing Receiver*, filed June 7, 2023 [Doc. # 120] (hereinafter collectively “Receiver Order”), Jerry E. Peer, Jr. (“Receiver”), has taken possession and/or control of all monetary and real property assets of Mr. Brinson Caleb Silver, Collateral Damage, LLC and Eclipse Home Design, LLC (hereinafter collectively “Defendants”) known to Receiver, unless otherwise indicated herein. Pursuant to the Receiver Order and 28 U.S.C. §§ 754, 959 and 1692, Rule 66 of the Federal Rules of Civil Procedure, Receiver has completed this Third Interim Report and Receivership Plan and accompanying schedules (“Third Report”), which covers the period from August 1, 2023 through and including August 31, 2023 (the “Third Interim Period”).

I. INTRODUCTION

By way of the Receiver Order, Receiver was appointed to assume complete control and oversight all monetary and real property assets of Defendants. Since the filing of the Second Report, Receiver has continued his efforts to identify and take possession of all monetary and real

property assets of Defendants. At this time, Receiver is unaware of any assets of Defendants that are not in Receiver's possession or under his control, with the exception of a bank account located in Jakarta, Indonesia, and another at Evolve Bank and Trust, which are addressed further below.

During the Third Period, Receiver and his counsel have focused primarily on developing a comprehensive liquidation plan for the assets in Receiver's possession or under his control. Receiver has engaged an auction firm for the sale of the Ramona California home and anticipates having the auction completed within the next 45-60 days. In addition, Receiver is currently negotiating, and expects to be submitting for approval, a listing agreement with a Miami, Florida realtor, Marco Tine, who specializes in properties the same or similar to the Bayshore property. In addition, Receiver has requested that proposals be submitted for the restoration of the Bayshore property in order to determine whether Receiver will recommend performing the work necessary or offer the home for sale in its present condition. The third property, located in Venice, California is expected to be offered for sale by and through a traditional listing rather than public sale. Receiver will be filing a motion in the next ten (10) days to engage a realtor to list the Venice property.

As mentioned in the Second Report, Receiver has taken possession of a 2018 Range Rover and intends to take possession of the 2017 Mercedes GLE350, which is owned by Mr. Silver and driven by Ms. Laurie Mannette. Due to Ms. Mannette's present circumstances, which includes caring for three children, Receiver elected not to take possession of the Mercedes at this time. Preliminary research indicates that both vehicles are valued from \$27,000 - \$35,000. Receiver has requested that Gryphon Realty advertise the vehicles for sale through the Ramona auction advertising. Should an acceptable offer be made for either or both vehicles, a motion to sell will be submitted to this Court for approval. Should an acceptable offer not be made, Receiver will consider alternative means of liquidating the vehicles, such as a local automobile auction.

Receiver has been in communication with the owner of 8331 Bleriot, Los Angeles, California, which was previously leased by Mr. Silver. Located therein is personal property of Mr. Silver. Receiver and his counsel have inspected the property and do not currently believe the personal property to be of significant value and is likely to abandon same. Before doing so, Receiver will have an inspection and estimated appraisal completed by a local estate sale representative in order to determine whether liquidating the personal property will be in the best interests of the estate.

On September 15, 2023, this Court approved Receiver's Motion To Sell Place Dock at Private Sale Free and Clear Of Any And All Interests, Liens, Claims and Encumbrances. As a result, Receiver is communicating with the buyer of the dock in order to complete that transaction.

As mentioned above, at this time, the only known asset not currently in the possession or control of Receiver is the bank account located in Jakarta, Indonesia and another at Evolve Bank and Trust. Mr. Silver has represented that the funds in these accounts have been exhausted, however, Receiver believes there may be significant funds deposited into these accounts and has requested that Defendants provide the information necessary to take control of the balance of that account, or to confirm that these accounts have indeed been exhausted. In addition, Receiver has recently taken possession of Mr. Silver's laptop computer and mobile phone. Receiver has engaged an IT professional to create an image of each device and review the information to assist with the collection of assets and/or information useful to Receiver.

II. RECEIVERSHIP PLAN

This Third Report will set forth (1) Receiver's intentions moving forward with regard to both identifying and taking control of assets as well as liquidating assets of value; (2) a statement of assets in Receiver's possession or under his control; (3) anticipated transactional costs to be incurred; (4) anticipated duration of the administration of this estate; (5) engagement of

professionals to carry out Receiver's responsibilities; (6) estimated date by which an appraisal and sale by Receiver can occur and whether it will be public and/or private sales of the real property; and (7) any litigation or administrative proceedings that are underway or anticipated.

1. Receiver's Goal/Expectations For Administration.

During the Third Interim Period, Receiver and his counsel have devoted efforts to formulating a liquidation plan for the assets in Receiver's possession or under his control. As mentioned prior, Receiver is moving forward with the sale of the Ramona California property and expects to be listing the Venice property within the next 30 days. Receiver is still awaiting additional information related to the Bayshore property in order to determine if it is in the estate's best interests to sell the property in its current condition or perform the renovations needed. Once that information is obtained, Receiver will make a recommendation to this Court regarding the disposition of that property.

3. Statement of Assets.

At this time, Receiver has not identified any new assets of the estate that have not been previously reported to this Court and the parties. Receiver currently has \$446,047.99 on deposit. Attached hereto as "**Exhibit A**" is a copy of Receiver's account register and August 2023 Bank Statement.

4. Anticipated Transactional Costs and Administrative Expenses

It is difficult for Receiver to project the anticipated transactional and administrative costs of this estate. While certain expenses are customary and expected, such as administrative fees, utilities, insurance, and other related operating expenses, costs are highly variable and may fluctuate greatly. Receiver expects to incur certain fees, commissions, and expenses associated with the liquidation of the assets and further administration of the estate. The anticipated costs will also depend greatly on success of taking control of the real estate and liquidating the assets in

a cost-efficient manner. Receiver further requests an allowance of \$2,500 per month for related ongoing administrative expenses.

5. Duration of this Receivership.

Based upon this plan and Receiver's initial research, it is estimated that the duration of this receivership estate is six (6) months or longer. This estimated duration is largely dependent upon the success of Receiver to identify and take possession of additional assets, negotiating a proposed sale of the respective assets, and the approval of any such sale by this Court.

6. Engagement of Professionals.

Receiver has engaged in negotiations with property managers in both Florida and California to assist with securing and maintaining the respective properties until sold. In addition, subject to this Court's approval, Receiver has engaged legal counsel in state to address pending litigation as well as being actions for eviction if necessary. Lastly, Receiver expects to engage appraisers (if necessary), real estate brokers and/or auctioneers to assist with selling the properties. Any such engagement(s) will be subject to this Court's prior approval.

7. Estimated Date of Appraisal and Sale.

In an effort to reduce costs and for the time being, Receiver is presently relying on valuation information previously provided by Plaintiff and value estimates provided by real estate brokers and managers. Should Receiver determine at a later date that an appraisal or other valuation is necessary for the properties, Receiver will immediately obtain such appraisal and provide same to the Court and parties. Receiver is not including valuation information in this Initial Report in an effort not to publicly disclose same to any potentially interested buyers. Receiver will provide all information in its possession to the Court or any party upon request.

Notwithstanding the above, due to the nature of Defendants' business, it is difficult for Receiver to estimate at this time how long it may take to receive an offer for the real estate and

any other assets not sold at public sale.

8. Litigation and Administrative Proceedings

Receiver reports that at this time he is only aware of a pending foreclosure action filed in Dade County, Florida against the Bayshore Drive property. As stated previously, Receiver has filed a motion to stay those proceedings but a ruling has not yet been entered. Receiver has also learned of the eviction action discussed above and has contacted counsel for the Plaintiff to come to an agreement that provides the Plaintiff with the possession of the property while also securing the personal property located therein. Should any additional proceedings be initiated or discovered, Receiver will immediately file a Suggestion of Stay, pursuant to the terms of this Court's Receiver Order.

III. CLAIMS

Receiver has identified various creditors/claimants of Defendants. Receiver has provided notice of the receivership to all known creditors/claimants of Defendants for which Receiver has valid addresses. As claims are received, a creditor matrix will be provided with subsequent interim reports, identifying the claimant and amount of each claim. Receiver notes for the Court no independent analysis or review of the validity or allowance of such claims will be undertaken by Receiver until assets of the receivership estates are sold, at which time any claims will be reviewed and a recommendation as to the treatment of those claims will be submitted by Receiver.

IV. FEES AND EXPENSES

1. Receiver Fees and Expenses.

As required by the Receiver Order, Receiver is making application to the Court for interim allowance of compensation and reimbursement of out-of-pocket expenses. Please note that while Mr. Jerry E. Peer, Jr. was appointed as Receiver, due to the volume of work necessary, both Mr. Gregory S. Peterson and Mr. Istvan Gajary have performed certain services and billed that time at

the Receiver rate of \$150 per hour rather than the counsel rate of \$250 per hour to assist with controlling the costs of administration. A detailed summary of activity for Receiver is attached hereto as “**Exhibit B**”. Receiver requests allowance and payment of interim compensation and expenses in the amount of \$6,570.00 to compensate Receiver for the hours expended and expenses incurred during the Third Interim Period.

2. Peterson Connors LLP Fees and Expenses.

Pursuant to the Receiver Order, Receiver employed the services of Mr. Peer, Mr. Peterson, and Mr. Gajary of Peterson Connors LLP (collectively “PetersonConnors”) as its legal counsel. Receiver requests interim allowance and payment of compensation to PetersonConnors in the amount of \$19,162.50 for services rendered to Receiver and \$2,998.72 for expenses incurred during the Third Interim Period. Attached hereto as “**Exhibit C**” is the itemization setting forth the breakdown of time expended and costs advanced by PetersonConnors during the Third Interim Period.

3. Dickinson Wright PLLC Fees and Expenses.

Pursuant to the Receiver Order, Receiver employed the services of Dickinson Wright PLLC (“Dickinson”) as its legal counsel in relation to the litigation pending in Florida. Receiver requests interim allowance and payment of compensation to PetersonConnors in the amount of \$17,419.31 for services rendered to Receiver. Attached hereto as “**Exhibit D**” is the itemization setting forth the breakdown of time expended and costs advanced by Dickinson since its engagement by Receiver.

4. Hunt Ortmann Palffy Nieves Darling & Mah, Inc. Fees and Expenses.

Pursuant to the Receiver Order, Receiver employed the services of Hunt Ortmann Palffy Nieves Darling & Mah, Inc. (“Hunt Ortmann”) as its local counsel for any matters in California. Receiver requests interim allowance and payment of compensation to Hunt Ortmann in the amount

of \$901.87 for services rendered to Receiver. Attached hereto as “**Exhibit E**” is the itemization setting forth the breakdown of time expended and costs advanced by Hunt Ortmann since its engagement by Receiver.

V. CONCLUSION

Receiver respectfully submits this Third Report and further respectfully requests that this Third Report and Receiver’s Third Interim Application for Allowance and Payment of Fees and Reimbursement of Expenses be approved.

Respectfully submitted,

PETERSON CONNERS LLP

/s/ Istvan Gajary
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JERRY E. PEER, JR. (0075128)
ISTVAN GAJARY (0089084)
545 Metro Place South, Suite 435
Dublin, Ohio 43017
Telephone: (614) 365-7000
Facsimile: (614) 220-0197
E-mail: gpeterson@petersonconners.com
jpeer@petersonconners.com
igajary@petersonconners.com
Counsel for Receiver, Jerry E. Peer, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was filed electronically on this 20th day of September, 2023 with the Clerk of Court using the CM/ECF system. Service will be made through the Court's CM/ECF system on all parties and attorneys so registered, and all parties may access this filing through the Court's system.

A copy was also sent by regular U.S.P.S. mail and by electronic mail to the following:

Collateral Damage, LLC
101 N. Brand Blvd.
11th Floor
Glendale, CA 91203

Eclipse Home Design, LLC
651 N. Broad Street
Suite 201
Middletown, De 19709

Paige McDaniel
5576 Alexanders Lake Road
Stockbridge, GA 30281

Brinson Caleb Silver
2543 Walnut Ave.
Venice CA 90291

/s/ Istvan Gajary
ISTVAN GAJARY (0089084)

THE HUNTINGTON NATIONAL BANK
PO BOX 1558 EA1W37
COLUMBUS OH 43216-1558



PETERSON CONNERS LLP
545 METRO PL S
DUBLIN OH 43017-5316

Have a Question or Concern?

Stop by your nearest
Huntington office or
contact us at:

1-800-480-2001

www.huntington.com/
businessresources

Huntington Unlimited Plus Checking

Account: -----4754

Statement Activity From: 08/01/23 to 08/31/23		Beginning Balance	\$506,973.50
		Credits (+)	10,011.95
		Regular Deposits	10,000.00
		Interest Earned	11.95
Days in Statement Period	31	Debits (-)	70,937.46
		Regular Checks Paid	70,937.46
Average Ledger Balance*	469,089.42	Total Service Charges (-)	0.00
Average Collected Balance*	468,766.84	Ending Balance	\$446,047.99

* The above balances correspond to the
service charge cycle for this account.

Average Percentage Yield Earned this period 0.030%

Deposits (+)

Account:-----4754

Date	Amount	Serial #	Type	Date	Amount	Serial #	Type
08/29	10,000.00	177906392	Brch/ATM				

Other Credits (+)

Account:-----4754

Date	Amount	Description
08/31	11.95	INTEREST PAYMENT


Checks (-)

Account:-----4754

Date	Amount	Check #	Date	Amount	Check #
08/18	1,260.15	1003	08/15	67,427.31	1006
08/14	2,250.00	1005*			

(*) Indicates the prior sequentially numbered check(s) may have 1) been voided by you 2) not yet been presented 3) appeared on a previous statement or 4) been included in a list of checks.

Investments are offered through the Huntington Investment Company, Registered Investment Advisor, member FINRA/SIPC, a wholly-owned subsidiary of Huntington Bancshares Inc.

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**Service Charge Summary****Account:-----4754**

Previous Month Service Charges (-)	\$0.00
Total Service Charges (-)	\$0.00

Balance Activity**Account:-----4754**

Date	Balance	Date	Balance	Date	Balance
07/31	506,973.50	08/15	437,296.19	08/29	446,036.04
08/14	504,723.50	08/18	436,036.04	08/31	446,047.99

In the Event of Errors or Questions Concerning Electronic Fund Transfers (electronic deposits, withdrawals, transfers, payments, or purchases), please call either 1-614-480-2001 or call toll free 1-800-480-2001, or write to The Huntington National Bank Research - EA4W61, P.O. Box 1558, Columbus, Ohio 43216 as soon as you can, if you think your statement or receipt is wrong or if you need more information about an electronic fund transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

1. Tell us your name, your business's name (if appropriate) and the Huntington account number (if any).
2. Describe the error or the transaction you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
3. Tell us the dollar amount of the suspected error. We will investigate your complaint or question and will correct any error promptly.

Verification of Electronic Deposits If you authorized someone to make regular electronic fund transfers of money to your account at least once every sixty days, you can find out whether or not the deposit has been received by us, call either 1-614-480-2001 or call toll free 1-800-480-2001.

Balancing Your Statement - For your convenience, a balancing page is available on our web site <https://www.huntington.com/pdf/balancing.pdf> and also available on Huntington Business Online.

Peterson Connors LLP

INVOICE

545 Metro Place South, Suite 435
 Dublin, OH 43017
 United States
 (614) 365-7000

Invoice # 7248
 Date: 09/20/2023

United States Southern District

Receiver / Root, et al. v. Silver, et al., 2:23cv512

Date	Notes	Timekeeper	Quantity	Rate	Total
08/01/2023	Attention to emails and records re: construction on Bayshore property. Following up with property manager re: insurance and CA counsel re: eviction.	Jerry E. Peer, Jr.	1.90	\$150.00	\$285.00
08/02/2023	Revising second report. Phone call with G Peterson re: meeting with Mr. Silver. Phone call with R Kruse re: auction of property.	Jerry E. Peer, Jr.	1.40	\$150.00	\$210.00
08/03/2023	Attention to insurance for Bayshore property. Review of landscaping invoice for Ramona property. Attention to email from K Hess re: Bayshore property.	Jerry E. Peer, Jr.	0.70	\$150.00	\$105.00
08/04/2023	Attention to completing Bayshore renovations.	Jerry E. Peer, Jr.	2.30	\$150.00	\$345.00
08/08/2023	Conference call with KabCo Kitchens regarding Bayshore project. Prepare for meeting with Silver.	Gregory Peterson	4.20	\$150.00	\$630.00
08/08/2023	Preparing for and participating in phone call with Kabco Kitchens re: renovations to Bayshore property. Phone call with counsel re: same. Review of financial information (equity) in property as it and after renovations are complete. Phone call with Marco Tine re: sales strategy. Preparing for meeting with Silver.	Jerry E. Peer, Jr.	3.40	\$150.00	\$510.00
08/09/2023	Meeting with defendant regarding assets and other information required to administer estate.	Jerry E. Peer, Jr.	7.50	\$150.00	\$1,125.00
08/09/2023	Travel to and from Butler County Jail; interview of Brinson Silver at Butler County Jail and numerous receivership details and assets; discuss receivership with JEP and GSP.	Istvan Gajary	7.50	\$150.00	\$1,125.00

Invoice # 7248 - 09/20/2023

08/14/2023	Attention to emails re: insurance and renovations. Phone call with property manager re: insurance.	Jerry E. Peer, Jr.	0.80	\$150.00	\$120.00
08/14/2023	Attention to emails and texts related to access to Bayshore property; attention to various receivership items and docket.	Istvan Gajary	0.40	\$150.00	\$60.00
08/15/2023	Phone call with R Kruse re: auction of Ramona property. Attention to terms of sale.	Jerry E. Peer, Jr.	0.50	\$150.00	\$75.00
08/16/2023	Attention to email from J Kellener re: eviction. Email to plaintiff re: personal property.	Jerry E. Peer, Jr.	0.30	\$150.00	\$45.00
08/16/2023	Attention to emails related to insurance and related matters.	Istvan Gajary	0.40	\$150.00	\$60.00
08/16/2023	Attention to emails and documents pertaining to insurance.	Jerry E. Peer, Jr.	0.60	\$150.00	\$90.00
08/21/2023	Attention to various receivership items.	Istvan Gajary	0.50	\$150.00	\$75.00
08/21/2023	Attention to liquidation of personal property located at Bleriot property.	Jerry E. Peer, Jr.	1.10	\$150.00	\$165.00
08/22/2023	Attention to emails and details related to Ramona and Bayshore properties.	Istvan Gajary	2.70	\$150.00	\$405.00
08/23/2023	Attention to best options re: sale of Bayshore property. Attention to emails re: sale of dock.	Jerry E. Peer, Jr.	0.80	\$150.00	\$120.00
08/23/2023	Attention to email from A Sorokurs.	Jerry E. Peer, Jr.	0.20	\$150.00	\$30.00
08/24/2023	Attention to various items related to Bayshore property; numerous calls with Florida Power and Light (FPL) to determine status of electric service.	Istvan Gajary	3.50	\$150.00	\$525.00
08/25/2023	Attention to email from J Secrest re: Bayshore property.	Jerry E. Peer, Jr.	0.20	\$150.00	\$30.00
08/28/2023	Review and revise motion for appointment of auctioneer; research federal provisions related to same; file same with court; attention to numerous emails related to issues / items at Bayshore property.	Istvan Gajary	2.90	\$150.00	\$435.00
				Subtotal	\$6,570.00
				Total	\$6,570.00

Statement of Account

Outstanding Balance	New Charges	Payments Received	Total Amount Outstanding
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Invoice # 7248 - 09/20/2023

(\$0.00 + \$6,570.00) - (\$0.00) = **\$6,570.00**

Please make all amounts payable to: Peterson Conners LLP

Payment is due upon receipt.

Payments more than 30 days overdue incur 1.5% per month interest charges.

Please notify us if your contact information has changed.

Our Tax ID: 20-8129097

Peterson Connors LLP

INVOICE

545 Metro Place South, Suite 435
 Dublin, OH 43017
 United States
 (614) 365-7000

Invoice # 7247
 Date: 09/20/2023

United States Southern District

Attorney / Root, et al. v. Silver, et al., 2:23cv512

Services

Date	Notes	Timekeeper	Quantity	Rate	Total
07/22/2023	Attention to including additional entities as part of estate. Research for indication of any assets.	Jerry E. Peer, Jr.	2.40	\$250.00	\$600.00
08/01/2023	Prepare subpoena inventory checklist. Reconcile Huntington Bank statement and register, then transmit to attorneys. Attention to wave runner emails, and client discussion emails. Assist with finalization of the second interim report.	Catherine J. Schwartz	1.20	\$125.00	\$150.00
08/01/2023	Drafting/revising Second Interim Report and fee application. Attention to several emails re: report.	Jerry E. Peer, Jr.	2.60	\$250.00	\$650.00
08/01/2023	Visit to federal courthouse to interview Brinson Silver about receivership assets; prepare questions and areas of inquiry related to same.	Istvan Gajary	2.80	\$250.00	\$700.00
08/01/2023	Interview of Brinson Silver at courthouse with his defense counsel.	Gregory Peterson	2.80	\$250.00	\$700.00
08/02/2023	Assist in preparation of second interim report; provide details and items to be included in report; attention to emails related to various receivership items.	Istvan Gajary	1.70	\$250.00	\$425.00
08/02/2023	Review draft of second report.	Gregory Peterson	0.50	\$250.00	\$125.00
08/03/2023	Review of receivership financial records and other assistance with the second	Catherine J. Schwartz	0.80	\$125.00	\$100.00

	interim report. Review of J Binder's tax returns and further investigation with G Peterson based off their information.				
08/03/2023	Revising Second Report and filing same. Attention to subpoenas recently sent and response deadlines. Attention to proposed auctioneer agreement for Ramona property.	Jerry E. Peer, Jr.	1.70	\$250.00	\$425.00
08/03/2023	Review Federal Income Taxes of J. Binder for 2020, 2021 and 2022. Identify ex-husband of J. Binder, investigate his background	Gregory Peterson	2.40	\$250.00	\$600.00
08/03/2023	Attention to Binder response to subpoena.	Jerry E. Peer, Jr.	0.80	\$250.00	\$200.00
08/03/2023	Review and revise Second Interim Report and confirm related details; review Jocelyn Binder subpoena response documents; attention to emails.	Istvan Gajary	3.50	\$250.00	\$875.00
08/03/2023	Review tax returns of J. Binder.	Gregory Peterson	1.10	\$250.00	\$275.00
08/04/2023	Review subpoena response from Premier Bank; attention to numerous emails and texts in effort to schedule meeting with Florida counsel and various others concerning Bayshore property; file review related to same.	Istvan Gajary	2.80	\$250.00	\$700.00
08/07/2023	Preparing for call with Florida counsel re: foreclosure case. Phone call with counsel. Research in support of stay.	Jerry E. Peer, Jr.	2.60	\$250.00	\$650.00
08/07/2023	Attention to numerous receivership items related to renovations at Bayshore property; Zoom meeting with Jon Secrest (Florida counsel) about status of receivership and Bayshore property.	Istvan Gajary	2.00	\$250.00	\$500.00
08/08/2023	Review of Plaintiff's brief in relation to stay on Bayshore property. Research re: arguments raised.	Jerry E. Peer, Jr.	1.00	\$250.00	\$250.00
08/08/2023	Prepare for and attend Zoom meeting with Carlos (KabCo Kitchens), GSP, and JEP to discuss renovations at Bayshore property; telephone call with realtor Marco to discuss potential sale value of Bayshore property with and without renovations completed; review file for details related to renovations; attention to related emails.	Istvan Gajary	4.70	\$250.00	\$1,175.00
08/08/2023	Zoom meeting regarding renovations to Bayshore house and multiple other issues.	Gregory Peterson	2.10	\$250.00	\$525.00
08/09/2023	Travel to and from Butler County to	Gregory Peterson	6.40	\$250.00	\$1,600.00

	interview Brinson Silver at length.				
08/10/2023	Prepare for Zoom call with various people about listing Ramona property for sale; attention to emails.	Istvan Gajary	1.50	\$250.00	\$375.00
08/11/2023	Attention to numerous texts and emails; Zoom meeting with GSP, JEP, Rich Kruse (and assistant), and Tyler Hagerla to discuss auctioneer's terms and process for marketing and selling Ramona property; prepare and file notice of receiver relate to purging Brinson Silver's civil contempt; review terms of auctioneer's agreement.	Istvan Gajary	3.70	\$250.00	\$925.00
08/14/2023	Attention to motions to employ professionals and sell jet ski. Drafting bill of sale.	Jerry E. Peer, Jr.	0.80	\$250.00	\$200.00
08/15/2023	Revising Bill of Sale. Email to D. Nerdinsky re: same.	Jerry E. Peer, Jr.	0.40	\$250.00	\$100.00
08/17/2023	Attention to emails about receiving payment to the receivership bank account in the sale of the Yamaha Wave Runner.	Catherine J. Schwartz	0.20	\$125.00	\$25.00
08/17/2023	Attention to details related to sale of California properties; review of KabCo Kitchens invoice; attention to numerous emails with co-counsel about various receivership items.	Istvan Gajary	1.80	\$250.00	\$450.00
08/18/2023	Update conference call with team and Vorys.	Gregory Peterson	1.00	\$250.00	\$250.00
08/18/2023	Telephone call with Plaintiff's counsel to discuss various receivership items; update notes to file; attention to numerous texts and telephone call with Carlos with KabCo Kitchens regarding renovations at Bayshore property; review docket; attention to texts and emails with co-counsel.	Istvan Gajary	3.20	\$250.00	\$800.00
08/21/2023	Deliver two iPhones and one laptop computer to IT support staff to make mirror image copies.	Gregory Peterson	1.30	\$250.00	\$325.00
08/21/2023	Attention to email re: sale of Yamaha. Revising Bill of Sale.	Jerry E. Peer, Jr.	0.40	\$250.00	\$100.00
08/23/2023	Multiple emails and bank review regarding sale of wave runner and ICON dock.	Catherine J. Schwartz	0.50	\$125.00	\$62.50
08/23/2023	Begin review of motion to appoint auctioneer and related exhibits; attention to numerous details related to Bayshore property.	Istvan Gajary	1.40	\$250.00	\$350.00

Invoice # 7247 - 09/20/2023

08/23/2023	Reviewing and revising listing agreement. Drafting/revising motion to approve listing agreement. Review of budget.	Jerry E. Peer, Jr.	1.70	\$250.00	\$425.00
08/24/2023	Multiple emails and bank review regarding sale of the wave runner.	Catherine J. Schwartz	0.40	\$125.00	\$50.00
08/25/2023	Follow up on numerous items at Bayshore property; review and revise motion to employ auctioneer.	Istvan Gajary	1.40	\$250.00	\$350.00
08/28/2023	Attention to several emails re: Bayshore foreclosure and lender's motion to secure. Review of same.	Jerry E. Peer, Jr.	0.60	\$250.00	\$150.00
08/28/2023	Attention to numerous emails about Bayshore property details; establish electric service at same.	Istvan Gajary	1.50	\$250.00	\$375.00
08/28/2023	Summary entry for several email strings regarding selling of Bayshore property, selling wave runner, selling plane dock, property at Blarriot address, stay of Florida foreclosure proceedings, etc.	Gregory Peterson	2.10	\$250.00	\$525.00
08/29/2023	Attention to save runner sale, update register, communications with attorneys and plan next steps.	Catherine J. Schwartz	0.50	\$125.00	\$62.50
08/29/2023	Attention to numerous emails about Bayshore property items; establish electric service at Bayshore property.	Istvan Gajary	1.50	\$250.00	\$375.00
08/31/2023	Draft motions to sell Plane Dock and to employ IT Manager. Circulate, finalize and file.	Gregory Peterson	3.30	\$250.00	\$825.00
08/31/2023	Assist with motions to employ Compass Business Group as receiver's IT expert and to sell ICON plane dock.	Catherine J. Schwartz	1.10	\$125.00	\$137.50
08/31/2023	Attention to numerous emails and texts related to property maintenance items at Bayshore property; review and revise motion to sell plane dock prepared by GSP; emails with Carlos and Jule at CabKo Kitchens.	Istvan Gajary	2.80	\$250.00	\$700.00
Services Subtotal					\$19,162.50

Expenses

Date	Notes	Quantity	Rate	Total
08/22/2023	Credit card payment to Chase Bank for the following Los Angeles, CA travel expenses: Hotel Booking Service Fee \$15.99;	1.00	\$1,856.22	\$1,856.22

Invoice # 7247 - 09/20/2023

CCI Hotel Reservation \$992.73; Expedia \$847.50.

08/22/2023	Credit card payment to U.S. Bank for the following California travel expenses: Wolfgang CMH \$21.84; Lighthouse Oyster Oceanside \$200; Marriott \$7.02; Spirit Airlines \$99; Los Angeles airport \$40.75.	1.00	\$368.61	\$368.61
08/22/2023	Credit card payment to U.S. Bank for the following California travel expenses: Lighthouse Oyster Oceanside \$200; Marriott \$159.89; Noble Locksmith \$134.	1.00	\$493.89	\$493.89
08/24/2023	Merchant processing fees incurred by Peterson Conners LLP for the Yamaha wave runner sale.	1.00	\$280.00	\$280.00

Expenses Subtotal	\$2,998.72
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Subtotal	\$22,161.22
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Total	\$22,161.22
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Statement of Account

Outstanding Balance	New Charges	Payments Received	Total Amount Outstanding
(\$0.00	+ \$22,161.22) - (\$0.00) = \$22,161.22

Please make all amounts payable to: Peterson Conners LLP

Payment is due upon receipt.

Payments more than 30 days overdue incur 1.5% per month interest charges.

Please notify us if your contact information has changed.

Our Tax ID: 20-8129097

IN ACCOUNT WITH



1801 E. BROAD STREET, SUITE 3400
COLUMBUS, OH 43215
TELEPHONE: (614) 744-2570
<http://www.dickinsonwright.com>
FEDERAL I.D. #38-1364333

INVOICE DATE: SEPTEMBER 14, 2023
INVOICE NO.: 1846072

JERRY E PEER JR.
TWO MIRANOVA PLACE, SUITE 330
COLUMBUS, OH 43215

ATTN: Jerry E. Peer, Jr.

CLIENT/MATTER NO.: 106102-00001

RE: COUNSEL FOR RECEIVER - ROOT, INC., ET AL. V. SILVER ET AL.

PRIVILEGED AND CONFIDENTIAL

FOR PROFESSIONAL SERVICES THROUGH AUGUST 31, 2023

USD

TOTAL FEES CURRENT INVOICE	\$	11,587.00
TOTAL DISBURSEMENTS CURRENT INVOICE	\$	24.31
TOTAL CURRENT INVOICE	\$	11,611.31

OUTSTANDING INVOICES ON THE MATTER BILLED ON THIS CURRENT INVOICE AS OF SEPTEMBER 14, 2023

<u>INVOICE</u>	<u>DATE</u>	<u>BILLED VALUE</u>	<u>PAYMENTS</u>	<u>OUTSTANDING</u>
1827309	07/17/23	5,437.00	(0.00)	5,437.00
1836934	08/11/23	371.00	(0.00)	371.00

TOTAL OUTSTANDING FROM PRIOR INVOICES	\$	5,808.00
TOTAL AMOUNT DUE	\$	17,419.31

Remittance Instructions				
Terms: Due and Payable Upon Receipt				
Mail To:		Pay Online:	Wire Instructions:	ACH Instructions:
Dickinson Wright PLLC 2600 W. Big Beaver Suite 300 Troy, MI 48084		Credit Card and ACH/eCheck Payments We accept Visa®, Mastercard®, American Express® and Discover® https://www.dickinson-wright.com/invoice-payment	JP Morgan Chase Bank N.A. 28660 Northwestern Highway Southfield, MI 48034 ABA Number: 021 000 021 Swift Code: CHASUS33 (International) Account# 38852	JP Morgan Chase Bank N.A. 28660 Northwestern Highway Southfield, MI 48034 ABA Number: 072 000 326 Account# 38852
(Please reference your client/invoice numbers when paying electronically)				

Exhibit D

IN ACCOUNT WITH



1800 E. BROAD STREET, SUITE 8400
COLUMBUS, OH 43215
TELEPHONE: (614) 744-2570
<http://www.dickinsonwright.com>
FEDERAL I.D. #38-1364333

COUNSEL FOR RECEIVER - ROOT, INC., ET AL. V. SILVER ET AL.
CLIENT/MATTER NO.:106102-00001

INVOICE DATE: SEPTEMBER 14, 2023
INVOICE NO.: 1846072
PAGE 2

CURRENT INVOICE DETAIL

<u>DATE</u>	<u>INITIALS</u>	<u>SERVICES</u>	<u>HOURS</u>	<u>VALUE</u>
08/03/23	HV	Review the Miami 555 LLC Motion for Summary Judgment and other pleadings in advance of the call tomorrow with Plaintiff's counsel in the Foreclose action; exchange communication with all counsel regarding the same.	0.9	477.00
08/04/23	HV	Prepare for and attend telephone conference with counsel for Miami 555 LLC per his request to discuss the status of the case and further handling; confer internally regarding the same.	0.6	318.00
08/04/23	JRS	Prepare for and attend conference with Plaintiffs' counsel regarding motion for stay.	0.3	169.50
08/07/23	HV	Prepare for and attend telephone conference with Receiver and counsel regarding further handling and the upcoming hearing.	0.5	265.00
08/07/23	HV	Review and analyze the Federal law on the binding effect of the appointment of a receiver on State Court Foreclosures actions or stays of the same.	0.4	212.00
08/07/23	JRS	Conference with Attorney Peer regarding status.	0.6	339.00
08/08/23	HV	Receipt and review the Plaintiff, Miami 555 LLC's Response in Opposition to the Motion to Stay the case pending the Receivership case in Ohio including a closer review of the Federal Anti-Injunction Statute cited by the Plaintiff; confer internally regarding the same in advance of the hearing tomorrow.	0.8	424.00
08/08/23	HV	Prepare for and attend telephone conference with the General Contractor in Miami Shores regarding the plans for the house and further handling.	1.0	530.00
08/08/23	JRS	Receipt and review of opposition to motion for stay.	0.3	169.50
08/08/23	JRS	Research and review case law for hearing on motion for stay.	1.6	904.00
08/08/23	JRS	Telephone conference with contractor regarding status of renovation.	0.7	395.50
08/09/23	JMS	Prepare litigation strategy as it relates to preparing amended motion to enforce stay.	0.4	142.00
08/09/23	JRS	Draft client update.	0.2	113.00
08/09/23	JRS	Attend hearing on Motion for Stay.	1.5	847.50
08/09/23	HV	Appear for and attend the hearing before Judge Barbara Arces on the Defendant's Motion to Enforce Stay and the Plaintiff's Motion to enter a Judge's Default; confer with counsel afterwards.	1.7	901.00

IN ACCOUNT WITH



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COUNSEL FOR RECEIVER - ROOT, INC., ET AL. V. SILVER ET AL.
CLIENT/MATTER NO.:106102-00001

INVOICE DATE: SEPTEMBER 14, 2023
INVOICE NO.: 1846072
PAGE 3

<u>DATE</u>	<u>INITIALS</u>	<u>SERVICES</u>	<u>HOURS</u>	<u>VALUE</u>
08/09/23	HV	Consider the effect of today's hearing and create a to do list of activities that need to be done in advance of the next hearing on the Motion to Enforce a Stay and telephone conference with Jon and Associate.	0.5	265.00
08/11/23	JRS	Review motion to strike and notice of appearance.	0.3	169.50
08/11/23	HV	Draft the Receiver's Limited Notice of Appearance in the Miami 555 case based on the Receivership Order and also consider a full notice of appearance as well as a motion for extension of time to respond to the Complaint should the Receiver become a defendant in this case.	0.5	265.00
08/11/23	HV	Consider possible ways for the Receiver to appear in this case and draft Limited Notice of Appearance in this case.; review the Appointment or Receiver order as it relates to the property of the Receivership Estate.	0.9	477.00
08/22/23	JMS	Review of Case Management Order issued by the Court.	0.4	142.00
08/24/23	JRS	Receipt and review of Motion to Secure Property and draft client update.	0.2	113.00
08/25/23	JRS	Exchange emails with Jerry regarding status and review Southern District of Ohio filings.	0.5	282.50
08/29/23	JMS	Review of Opposition to Motion to Secure and Preserve Property for the purpose of determining whether revisions need to be made	0.3	106.50
08/29/23	JRS	Exchange emails with Jerry regarding status of property.	0.2	113.00
08/29/23	JRS	Draft Opposition to Motion to Secure Property.	1.1	621.50
08/29/23	JRS	Revise and finalize opposition to motion to secure.	0.3	169.50
08/30/23	JRS	Receipt and review of notice of withdrawal of motion and cancellation of hearing on motion to secure.	0.2	113.00
08/30/23	JRS	Review federal court filings and revise motion to stay.	0.9	508.50
08/31/23	JRS	Revise Motion to Enforce Stay.	2.2	1,243.00
08/31/23	JRS	Research Florida law for motion to enforce stay.	1.4	791.00

TOTAL FEES	21.4	\$	11,587.00
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<u>DISBURSEMENTS</u>	<u>VALUE</u>
Delivery Expense	24.31
TOTAL DISBURSEMENTS	\$ 24.31
TOTAL CURRENT INVOICE	\$ <u>11,611.31</u>

IN ACCOUNT WITH



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COUNSEL FOR RECEIVER - ROOT, INC., ET AL. V. SILVER ET AL.
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INVOICE DATE: SEPTEMBER 14, 2023
INVOICE NO.: 1846072
PAGE 4

TIMEKEEPER SUMMARY				
<u>TIMEKEEPER</u>	<u>TITLE</u>	<u>RATE</u>	<u>HOURS</u>	<u>VALUE</u>
JONATHAN R. SECREST	MEMBER	565.00	12.50	7,062.50
H. STEVEN VOGEL	MEMBER	530.00	7.80	4,134.00
JOHNEEKA M. SIMPSON	ASSOCIATE	355.00	1.10	390.50
TOTAL FEES CURRENT INVOICE			21.40	\$ 11,587.00

HUNT ORTMANN PALFFY NIEVES
 DARLING & MAH, INC.
 301 N. LAKE AVE
 7TH FLOOR
 PASADENA, CA 91101
 (626) 440-5200

JERRY E. PEER (RECEIVER)
 Attn: Jerry E. Peer
 545 Metro Place South, Suite 435
 Dublin, OH 43017

September 13, 2023

Account # 7836.002
 Invoice # 102103

Interest accrued on past due balance	\$14.87
Total Amount of this bill	<u>\$14.87</u>
Previous balance	\$887.00
Balance Due	<u><u>\$901.87</u></u>

Trust Account Summary		Payments	Deposits	Balance
8/8/2023	Balance as of 08/08/2023			\$500.00

Aging of Past Due Amounts					
0-30 Days	31-60 Days	61-90 Days	91-120 Days	Over 120 Days	Total Past Due
\$0.00	\$0.00	\$887.00	\$0.00	\$0.00	\$887.00